



Deputy Premier
Minister for Transport and
Minister for Infrastructure and Planning

Our ref: MC17/733

16 MAR 2017

1 William Street
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7100
Email deputy.premier@ministerial.qld.gov.au

ABN 90 856 020 239

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
Corner of Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

Neil,

Thank you for your letter of 17 February 2017 regarding Petition No. 2693-17 lodged with the Legislative Assembly on 16 February 2017. This petition requests that I exercise my ministerial powers under section 424 of the *Sustainable Planning Act 2009* (SPA) to call in a development application for a service station at 1 Cawdor Road, Highfields.

While I acknowledge the concerns about the development relating to the lack of a reticulated sewerage system in the area and potential changes to the site zoning, I am unable to exercise ministerial call in powers in this case.

I am advised that the Toowoomba Regional Council (the council) refused the development application for a service station and issued a decision notice on 23 September 2016.

I understand that following the council's refusal, the applicant filed an appeal with the Planning and Environment Court on 26 September 2016. I note that on 15 December 2016, his Honour Judge Rackemann, overturned the refusal and determined that the application be approved subject to conditions.

Following the decision of the Court there are two reasons why I cannot exercise ministerial call in powers for this matter.

Firstly, there are no provisions under SPA that enable me to give a proposed call in notice after a decision is made by the Planning and Environment Court.

Secondly, pursuant to section 424 of SPA, I may only call in a development application if the development involves a state interest and if I issue a proposed call in notice by a specified date. The notice may be given at any time until the latest of the following:

- if there are submitters for an application, 50 business days after a decision notice is given to the applicant. In this instance the council's decision notice was issued on 23 September 2016; or
- 15 business days after the day the chief executive (of SPA) receives notice of an appeal. In this instance, notice was received on 30 September 2016.

Accordingly, in accordance with SPA, the latest date by which I would have had to give a proposed call in notice was on or before 5 December 2016.

Consequently, I have no capacity to exercise my ministerial call in powers in relation to this matter.

If you require further information, I encourage you to contact Mr Patrick Atkinson, Director, Development Assessment in the Department of Infrastructure, Local Government and Planning on 3452 7449 or by email at patrick.atkinson@dilgp.qld.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jackie Trad', with a large circular flourish on the left side.

JACKIE TRAD MP
DEPUTY PREMIER
Minister for Transport and
Minister for Infrastructure and Planning